

# STATE GOVERNMENT NEWS

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THE COUNCIL OF STATE GOVERNMENTS



Vol. 2

November, 1959

No. 11

## CONSTITUTIONAL AMENDMENTS DIRECT LEGISLATION

**New Jersey** -- New Jersey voters approved two proposals in a referendum submitted at the November 3 election. One provided for a \$66.8 million bond issue for state institutions of higher education. The second authorized games of chance under a licensing system.

**New York** -- Eight constitutional amendments were approved by New York voters at elections held November 3. The amendments:

(1) Provide for the establishment of a new Department of Motor Vehicles. Previously, motor vehicles were administered by a bureau in the Department of Taxation and Finance.

(2) Require that in any pertinent investigation, public officials are required to testify about their conduct in any office held within the past five years. The previous constitutional provision required testimony about an office held at the time of investigation.

(3) Permit the legislature to provide for the elimination of primary elections when there are no contests.

(4) Permit the legislature to provide that the definitions of income in the state income tax law conform with those used by the federal government in computing the federal income tax.

(5) Allow local governments to borrow and to levy taxes for projects and services conducted jointly with other local units.

(6) Authorize the legislature to lease or transfer the state barge canal system to the federal government for operation as part of the federal inland waterways system.

(7) Permit construction of a state highway through a section of the Adirondack forest preserve.

(8) Permit communities to increase pension benefits for retired policemen and firemen and their widows.

**Pennsylvania** -- Pennsylvania voters approved two constitutional amendments in the November elections. One provides for annual sessions of the legislature. Sessions in even numbered years will be restricted to fiscal matters. The second amendment permits voters who move within sixty days prior to an election to vote in their old polling districts.

## LEGISLATIVE SESSIONS

**Texas** -- The 1959 Texas legislature met in regular and special sessions from January 13 to August 6. Three special sessions were included.

The legislature passed a record \$2.4 billion budget -- about \$300 million more than for the last biennium. Included among appropriations were \$938 million for education -- up \$101 million; \$803 million for highways -- up \$91 million and; \$401 million for public welfare -- an increase of \$28 million over the last biennium.

New or increased revenue imposts, expected to add \$175 million for the biennium, consist chiefly of the following: new taxes on tobacco products, to yield about \$80 million; increased corporation franchise taxes, to raise \$32.5 million; a sales tax on certain items, to increase revenues \$31.5 million; a new severance beneficiary tax on natural gas, expected to raise \$15.6 million; liquor and wine taxes, to yield \$6.3 million; and an increased tax on radio and television sets, to add \$6 million.

A State Development Board was created to foster tourism and attract industry. Other measures include the establishment of a coordinating commission to eliminate overlapping services among state health, welfare and hospital agencies, and creation of new District and Family Relations Courts. The legislature authorized construction of a building in Houston to house state agency field offices. The Comptroller of Public Accounts was authorized to use electronic equipment, and administration of the franchise tax was transferred from the Secretary of State to the Comptroller.

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The legislature increased the average nine months salary of professors in state higher educational institutions from \$5,887 to \$6,307. Other action made appropriations for college libraries non-transferable and provided for financing non-instructional services from student fees rather than tax revenues. It authorized a three months pre-school program of language instruction for non-English speaking 5 year olds, and a special program for preschool children 3 years or older with hearing loss or hearing defects. Another enactment permits employment of retired teachers as substitutes for up to sixty days per year to help alleviate teacher shortages. A Junior College Division in the Central Education Agency was established, and planning for a third state medical school was authorized.

The legislature established a procedure for restoration of competency to cured and discharged mental patients who had been declared incompetent in a judicial determination.

The maximum permissible truck weight on highways was raised from 58,240 pounds to 72,000. The power of the Highway Commission and of County Commissioner Courts was established to fix maximum gross axle and wheel loads on particular stretches of highways or bridges within their respective jurisdictions.

A constitutional amendment was submitted to the voters for action in 1960 which would authorize the legislature to regulate money lenders and would establish a definition of usury.

A measure was passed assuring that Gulf of Mexico beaches and access to them shall remain open and available to all citizens. The legislature also passed a motor boating safety and licensing law.

**Correction --** In the September issue of *State Government News* an item on labor legislation in Massachusetts incorrectly reported that the legislature had approved a bill to give strikers unemployment compensation benefits after a strike had run six weeks. The measure was, in fact, defeated in the Massachusetts House of Representatives.

#### EDUCATION

**Educational Television --** The first phase of a multi-million dollar educational television experiment using air-borne equipment to cover a six state area will begin in January, 1960. The potential audience will be five million students in 13,000 schools and colleges in parts of Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin. Plan of the experiment is to broadcast courses from a DC-7 aircraft some 20,000 feet over north central Indiana. Programs will be transmitted from ground-based facilities at Purdue University, Lafayette, to the plane, from which they will be retelecast. Individual institutions will

participate on a voluntary basis. Their only costs will be the receiving equipment. The experiment is being conducted by the Midwest Council on Air-borne Television Instruction. Cost for the tooling-up and first year of broadcast has been estimated at \$7 million.

#### MENTAL HEALTH COMPACT

Ohio has ratified the Interstate Compact on Mental Health, the action to become effective January 6, 1960. Dr. R. C. Anderson, Acting Commissioner of Mental Hygiene, has been designated the compact administrator. Ohio is the twenty-second state to adopt the compact. Other states party to it are Alaska, Arkansas, Connecticut, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Vermont and West Virginia.

#### HEALTH, WELFARE

**Study Physical Disability --** The Oklahoma Legislative Council will make a study of physical disability and explore possible means of lessening its social impact. The 1959 legislature authorized the study, which will be made with the assistance of a \$17,800 grant by the United States Department of Health, Education and Welfare. A study committee headed by State Senator Louis Ritzhaupt will look into the extent of the disability problem, means now available to cope with it, needs for additional public and private resources, and the proper role for state and private agencies in this field.

**Enforcement of Support Payments --** Primary responsibility for the enforcement of support payments for children receiving public assistance has been turned over to the Attorney General's office in Washington by thirty-three of the state's thirty-nine counties. The state's three most populous counties are not authorized under the state's Errant Father Act to enter this type of agreement, and three smaller counties decided not to transfer enforcement responsi-

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bility. Three additional assistants have been employed by the Attorney General's office to obtain greater enforcement of support payments. Their work is expected to save the state at least \$250,000 this biennium.

#### HIGHWAYS, TRAFFIC CONTROL

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Four State Reciprocity Agreement -- Illinois, Iowa, Nebraska and South Dakota recently signed a reciprocity agreement providing for proportional registration of trucks and for division of license fees on the basis of miles traveled in each state. Payments to each state will be determined by a carrier's ratio of mileage in that state to his total mileage in the states permitting a similar form of prororation. Payment insures the carrier full interstate operating privileges on his entire fleet and local operating rights for a portion of his fleet.

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Arizona Driver License Regulations -- The Arizona State Highway Commission has drawn up and registered with the Secretary of State a new set of regulations permitting the State Motor Vehicle Bureau to suspend or revoke driver licenses for repeated violations of traffic laws. The courts had challenged actions under previous regulations because they had not been filed with the Secretary of State.

Under the new regulations, hearing officers of the Motor Vehicle Bureau will review the driving records, and the circumstances and any extenuating conditions involving violations, of drivers who accumulate twelve demerits in any twelve month period or twenty-four demerits in any twenty-four month period.

The Arizona point system establishes the following schedule of demerits for each conviction: 8 for drunken driving, 8 for drunken and reckless driving, 6 for reckless driving, 3 for speeding, and 2 for any other moving violation. Following review and investigation of the driver's record, the hearing officer has sole discretion in determining whether the operator's license should be suspended and, if so, for what period of time.

#### ATOMIC ENERGY

Nuclear Compact -- Mississippi is taking steps to become the first state to ratify the Southern Interstate Nuclear Compact. The newly created Mississippi Industrial Research Center recently sponsored a conference, "On Nuclear Future," which endorsed the proposed compact. Both outgoing Governor James A. Coleman and Governor-elect Ross Barnett also have endorsed it. A resolution of the recent Southern Governors' Conference at Asheville, North Carolina, strongly supported the proposed compact and recommended that it be placed before the legislatures of the southern states.

State Regulation -- New York is preparing to assume responsibilities for some regulatory functions now performed by the Atomic Energy Commission. Under terms of legislation enacted by Congress this year the Atomic Energy Commission may enter into contracts with states authorizing state agencies to perform regulatory functions with regard to radioisotopes, source materials and nuclear materials that constitute less than a critical mass.

The Office of Atomic Development in New York, established by the 1956 legislature, is acting for the State Departments of Health and Labor and the New York City Department of Health in negotiating with the Atomic Energy Commission. As a first step it has been proposed that the commission provide training for state personnel who will be responsible for licensing and inspection.

#### NATURAL RESOURCES

Southern Water Conference -- Representatives of water resource agencies of the southern states, meeting in Columbia, South Carolina, on October 28-29, created a Southern Water Resources Conference. The group discussed common problems and adopted by-laws. Membership in the conference will consist of state legislators, representatives of state agricultural, industrial, municipal, navigational, recreational, fish and wildlife and forestry organizations, and of state agencies interested in the development, use, conservation and protection of water resources.

The participants informally recorded their approval of House and Senate companion bills now pending in Congress to clarify state jurisdiction over water. Sam Thompson, Chairman of the Mississippi Board of Water Commissioners, was elected Chairman of the new regional association, and John W. Wakefield, Director of the Florida Department of Water Resources, was elected Vice Chairman. The conference requested the recently established southern office of the Council of State Governments, located in Atlanta, Georgia, to serve as secretariat.

Water Survey Reports -- The Kentucky Water Resources Study Commission and the Virginia State Soil Conservation Committee published reports summarizing extensive water and soil resource surveys of their respective states. Included in the reports are photographs, maps and charts.

The Kentucky study, authorized by the 1958 legislature and headed by Robert Lee Bolin, Director of the Division of Flood Control and Water Usage, contains more than fifty recommendations, including a proposal for a water rights law. The Virginia report, written by a group under the chairmanship of John H. Daniel, member of the House of Delegates, summarizes findings of numerous agencies and citizen committees in Virginia in



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recent years. It concludes by urging increased citizen awareness of the state's water resources, needs and problems.

#### WESTERN REGIONAL COMMITTEES

Agriculture Committee -- The Western Interstate Committee on Agriculture met October 6 in Denver, Colorado. The committee requested federal action in various agricultural areas. The United States Department of Agriculture was asked to modify its posting of livestock auction markets and registration of livestock dealers and to intensify the development of biological control procedures for noxious weed eradication. Congress was urged to supply additional funds to the Department of Agriculture for study and research into improved pest control procedures and for an enlarged brucellosis eradication program. Committee discussions included examination of activities and functions of state departments of agriculture and the progress and problems in federal-state joint agricultural programs.

Public Lands Committee -- The Western Interstate Committee on Public Lands, meeting in Denver, Colorado, October 5, directed three resolutions to the federal government concerning real property holdings. Congress was urged to enact a measure providing federal payment in lieu of taxes to communities whose revenues are adversely affected by federal tax-exempt property holdings. The committee urged Congress to enact a bill permitting federal agencies to restore certain jurisdictional authority to the states in federal enclaves and directing the agencies to acquire only such jurisdiction in future procurements as is necessary and consistent with the purpose for which the land is held. The committee requested the President and Con-

gress to avoid as far as possible removing additional lands from local tax rolls through federal acquisition and to refrain from enlarging present national parks and monuments and from establishing new ones. The discussions leading up to these resolutions included examination of the management and disposition of state lands.

#### NEW CORRECTIONS DEPARTMENT

The 1959 Minnesota legislature created a new Department of Corrections, responsible for all state services and facilities for delinquent children and youth and for all adult offenders. Heading the agency as Commissioner of Corrections is Will C. Turnblad, former Director of the National Probation and Parole Association.

The measure setting up the department prescribes that the Commissioner be selected without regard to political affiliation and that he have wide administrative experience in correctional programs embodying rehabilitative concepts. The Commissioner was authorized to appoint two Deputy Commissioners for the Divisions of Youth Conservation and Adult Corrections within the department.

The State Board of Parole, the Youth Conservation Commission and three adult institutions were placed under the new department. The legislature transferred to it the appropriations of the previously independent agencies and provided funds for the Commissioner. Budgets for the Youth Conservation Commission institutions and field services, the adult probation and parole services and the adult correctional institutions total almost \$8 million annually.

The aim of the new department is across-the-board planning for all state corrections facilities, in order to deal effectively with crime and delinquency problems in the state.

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